

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

JESSICA R SWEENEY

Claimant

APPEAL NO: 14A-UI-02885-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

PILOT TRAVEL CENTERS LLC

Employer

OC: 02/23/14

Claimant: Respondent (1)

Iowa Code § 96.4(3) – Ability to and Availability for Work

PROCEDURAL STATEMENT OF THE CASE:

The employer appealed a representative's March 5, 2014 determination (reference 01) that held the claimant eligible to receive benefits as of February 23, 2014, because her work hours had been reduced. The claimant did not participate at the April 8 hearing. Judd Huff, the general manager, appeared on the employer's behalf. Based on the evidence, the employer's arguments, and the law, the administrative law judge concludes the claimant is eligible to receive benefits as of February 23, 2014.

ISSUE:

Is the claimant working the same hours and wages or were her work hours reduced?

FINDINGS OF FACT:

The employer hired the claimant in May 2012 to work 25 to 30 hours a week as a cashier. When the claimant asked for more hours, she began to also work as a deli production employee. She then started working 32 or more hours a week.

When the claimant's availability changed, the employer had to decrease her hours. Before late November 2013, the claimant worked weekends and could work 6:00 a.m. to 5:00 p.m. In late November the claimant could no longer work weekends and she could work 8:00 to 3:00 p.m. every weekday except Wednesday. On Wednesday, she could not work until 9:00 a.m. In December and January, the employer was able to schedule the claimant to work 15 to 20 hours a week with the claimant's reduced availability.

The employer scheduled the claimant to work the following hours in February 2014.

Week of	Hours scheduled	Hours worked
February 5	26.5	26.88
February 12	18.25	18.46
February 19	21 to 22	16.28
February 26	16.5	5.48
March (month)	0	0

The employer did not schedule the claimant to work any hours in March because of a lack of work during the hours the claimant was available to work.

The claimant established a claim for benefits during the week of February 23, 2014. She has filed claims for the weeks ending March 1 through April 5, 2014. The claimant reported she earned \$45.00 in wages during the week ending March 1 and has not worked or earned wages since that week.

REASONING AND CONCLUSIONS OF LAW:

When a claimant continues to work part time and her workweek has not been reduced, she is not eligible to receive unemployment insurance benefits. Iowa Admin. Code r. 871-24.23(26). Also, each week a claimant files a claim for benefits, she must be able to and available for work. Iowa Code § 96.4(3).

The employer acknowledged scheduling the claimant to work 15 to 20 hours in December, January and February even though she restricted her availability to work. The employer emphasized that as a result of business needs or a slowdown in business, the employer could not schedule the claimant any hours in March 2014. The employer effectively laid off the claimant from work. As of February 23, 2014, the claimant is eligible to receive benefits.

DECISION:

The representative's March 5, 2014 determination (reference 01) is affirmed. The claimant is eligible to receive benefits as of February 23, 2014, because the employer substantially reduced her scheduled hours due to a lack of work during the claimant's availability to work. The employer's account is subject to charge.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css